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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,735	05/24/2001	John C. Seibel	068082.0113	4250

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EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
2177	7

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/865,735	Applicant(s) SEIBEL ET AL.
	Examiner	Art Unit
	Leslie Wong	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 May 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by **Knight et al.** (U.S. Patent 6,493,703).

Regarding claims 1 and 7, **Knight et al.** teaches a text mining system and method for providing query-based search data for use in a lead generation system accessible by the client via the Internet, comprising:

- a data acquisition process for extracting text data from Internet web sites, Internet newsgroups, Internet mailing lists, and corporate text files (col. 10, lines 1-5);
- b. a database for storing the extracted text data (col. 9, lines 19-21; col. 6, lines 57-59 and 43-46);

c). a text mining server for formulating and executing query-based searches of the database, and for providing output views representing the results of the searches (Fig. 2 and col. 9, lines 16-21);

d). a repository for storing the output views (col. 6, lines 57-59); and

e). a web server for providing access to the text mining server via a web browser and the Internet, such that the client may execute query-based searches on line via the Internet (Fig. 2 and col. 9, lines 16-21).

Regarding claims 5 and 11, **Knight et al.** further teaches a user profiles database, and wherein the mining server further accesses the user profiles database for use in formulating queries (col. 25, lines 11-14).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Knight et al.** (U.S. Patent 6,493,703) as applied to claims 1, 5, 7, and 11 above, and further in view of **Swinehart et al.** (U.S. Patent 4,914,586).

Regarding claims 2 and 8, **Knight et al.** does not explicitly teach a step wherein the corporate text files are items of digitally recorded correspondence.

**Swinehart et al.**, however, teaches a step wherein the text files are items of digitally recorded correspondence (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ digitally recorded text files because digital data is more efficient and effective for interpersonal communications (col. 1, lines 19-24).

Regarding claims 3, and 9, **Knight et al.** does not explicitly teach a step wherein the corporate text files are digital voice records.

**Swinehart et al.**, however, teaches a step wherein the corporate text files are digital voice records (abstract).

6. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Knight et al.** (U.S. Patent 6,493,703) as applied to claims 1, 5, 7, and 11 above, and further in view of **Meyerzon et al.** (U.S. Patent 6,199,081).

Regarding claims 4 and 10, **Knight et al.** does not explicitly teach a step wherein the data acquisition process is implemented with a web crawler.

**Meyerzon et al.**, however, teaches a step wherein the data acquisition process is implemented with a web crawler (col. 1, line 56 – col. 2, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize a web crawler to process acquisition data because doing

so allows the retrieved data to be processed more efficiently and accurately (col. 2, lines 1-5).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Knight et al.** (U.S. Patent 6,493,703) as applied to claims 1, 5, 7, and 11 above, and further in view of **Levac et al.** (U.S. Patent 6,034,970).

Regarding claim 6, **Knight et al.** does not explicitly teach a step wherein the data acquisition process further accesses Internet voice-to-text files.

**Levac et al.**, however, teaches a step of wherein the data acquisition process further accesses Internet voice-to-text files (col. 4, lines 4-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow data acquisition via voice-to-text files as diverse types of communication offer more flexible to users in the process of acquiring data on the Internet.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Nwabueze** (U.S. Patent 6,611,839).

**Chow et al.** (U.S. Patent 6,609,124)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Leslie Wong  
Patent Examiner  
Art Unit 2177

Lw  
September 07, 2003



JEAN R. HOMERE  
PRIMARY EXAMINER